

Remarks

Claims 1 through 5 and 7 through 21 are rejected under 35 USC 103(a) as being unpatentable over Chaussy et. al. in view of Besselink. Claim 6 stands rejected under 35 USC 103(a) as being unpatentable over Chaussy et. al. in view of Besselink as applied to claims 1 through 5 and 7 through 21 and in further view of Willard. Claims 1, 7, and 8 are rejected under 35 USC 102(b) as being anticipated by Besselink.

In responding to these rejections, the Applicant has amended claim 1 to include the limitations of former claim 17 which has accordingly been cancelled. Claim 1, as amended, stipulates that the valve is a self-closing, crossed slotted valve. This terminology is defined in the specification, in particular, in the preferred embodiment as illustrated in Fig. 2 and 3 and described in detail in the associated portions of the specification.

In comparison to the prior art of record, the Chaussy patent discloses a simple slotted valve having a pair of mutually parallel sealing lips (see Fig. 6b and associated discussion). The valve is opened by pushing in a direction which is substantially parallel to the sealing lip extension (directions B' and B as illustrated in Fig. 6b). The Besselink valve involves a disk-like structure pressed by a resilient member against a sealing surface and is opened by pushing in a direction substantially perpendicular to the sealing area of the valve (see Besselink Fig. 19 and 20, opening direction "x"). Therefore, for both the Besselink as well as the Chaussy disclosures, the valve can only be opened by pushing at a particular location about the periphery of the artificial endosphincter. In

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contrast thereto, the self-closing, crossed slotted valve in accordance with the invention can be opened by pressing on the artificial endosphincter at any peripheral position (see in particular Fig. 3 of the instant application). As a result thereof, insertion of the artificial endosphincter is particularly simplified, since the precise azimuthal orientation of the device is immaterial to its subsequent functioning. Therefore, both implantation as well as subsequent use of the artificial endosphincter are simplified.

The invention as now claimed discloses an artificial endosphincter having a valve structure not disclosed in prior art, and that valve structure has associated advantages which are similarly not suggested or taught by that prior art. The dependent claims of record inherit the limitations of amended claim 1 and are therefore similarly distinguished from the prior art of record for the reasons given.

Review, acceptance as well as passage to issuance is therefore respectfully requested.

No new matter has been added in this amendment.

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Respectfully submitted,

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Date

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